

AMENDMENT UNDER 37 C.F.R. § 1.111
USSN: 09/775,618

REMARKS

Claims 1-16 are all the claims pending in the application.

Applicant thanks the Examiner for indicating that claims 2-5, 7, 9-12 and 16 would be allowable if rewritten in independent form including all of the limitations of claims 1, 6, 8 and/or 13. However, Applicant has not rewritten the claims at this time because Applicant believes that the independent claims should be allowable for at least the reasons described below.

Applicant has amended claims 1-5 and 7 to better conform the claims to the English language. These amendments are not intended to narrow the scope of the claims.

Applicant has also added new claims 17 and 18 to further define the scope of Applicant's invention.

PRIOR ART REJECTIONS

The Examiner has rejected claims 1, 6, 8, 13 and 15 under 35 U.S.C. § 102(e) as being anticipated by Matsuda et al. (U.S. Patent No. 6,108,532). Applicant traverses these rejections.

First, regarding claim 15, Applicant believes this rejection is in error. Claim 15 depends from claims 9 and 10. However, the Examiner has indicated that both claims 9 and 10 would be allowable if rewritten in independent form. Therefore, Applicant requests that the Examiner withdraw the prior art rejection of claim 15.

Regarding claim 1, Matsuda et al. fails to disclose all of the claim limitations. Specifically, Matsuda et al. fails to disclose at least:

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b) measuring a reception signal strength on a sequentially selected one of *N radio channels that are previously designated by the base station* at a timing other than a communication timing of the designated radio channel, *where N is an integer greater than 1*; and

The Examiner asserts that Matsuda measures the signal of the received voice communication channel. However, even though the claim requires that only one signal be measured, the claim also requires that the base station designate N radio channels, where N is an integer greater than one. Because Matsuda measures the received voice communication channel, there is no need for, and no disclosure of, designating more than one radio channel.

Regarding claim 6, which depends from claim 1, it should be allowable at least based on its dependence from claim 1 for the same reasons.

Regarding claim 8, Matsuda et al. fails to disclose all of the claim limitations. Specifically, Matsuda et al. fails to disclose at least:

a moving status detector for detecting a moving status of the portable telephone based on measured reception signal strengths, each of which is measured on a sequentially selected one of *N neighboring radio channels that are previously designated by the base station* at a timing other than a communication timing of the designated radio channel in response to receipt of a call setup signal for an incoming call from the base station using the designated radio channel.

The Examiner asserts that Matsuda measures the signal of the received voice communication channel. However, even though the claim requires that only one signal be measured, the claim also requires that the base station designate N neighboring radio channels. Because Matsuda measures the received voice communication channel, there is no need for, and no disclosure of, designating N neighboring radio channels.

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Regarding claim 13, which depends from claim 8, it should be allowable at least based on its dependence from claim 1 for the same reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Carl J. Pellegrini
Registration No. 40,766

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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